



MINUTES
JUNE 7, 2006

Mr. Keller asked if there was anyone to speak in opposition to this application and there were no one.

Chairman Finaldi read the legal notice. Attorney Fran Collins spoke in favor of this application. He said each of the proposed lots conforms to the requirements. He explained that a few years ago they had tried to rezone this for multi-family units, but the neighbors were so opposed that they withdrew the application. He introduced Chris Brown, the Executive Director of Habitat for Humanity. Mr. Brown submitted a portfolio of information (designated Exhibit A)

describing their organization. He said they are presently working on parcels located on Town Hill and Maple Avenues, which were donated by the Estate of Hubert Fenton. They also are trying to get lots in Bethel and Brookfield. He explained that they try to get the land donated or through a bargain sale, then they find a family who qualifies for their program. Once a family is selected they go through an extensive training program to make them an educated homeowner. They also put in 400 sweat equity hours on the actual house. He added that Habitat for Humanity is the banker who provides the mortgage to the selected family at no interest rate. Mrs. Emminger asked if these homes are deed restricted. He proceeded to explain in great detail their method of controlling the resale of these homes.

Dainius Virbickas, PE described the location of this parcel as behind WCSU and Mill Ridge School. He said unfortunately there is no public sewer and water available and they tried to get private water from Topstone, but were not successful. The Engineering Dept. suggested they apply to hook up to City water but it would be cost prohibitive, so they will be revising their plans to reflect individual wells. He said Bayberry La. needs to be extended and they have met with City Staff regarding the design of the cul-de-sac. That is still something they are working on as they do not want it to interfere with Church Hill Rd. There is no grade issue as it is at 3% which definitely meets the requirements. He said the storm drainage system was designed to keep water flow in the same direction as it is now. Attorney Collins then said regarding the Engineering Dept. comment about Church Hill Rd. being private; they have title to the part they will be using and they will be turning it over to the City. Mr. Virbickas said he would be revising the plans in response to Departmental comments. Mr. Manuel said if they are not going to have cul-de-sac, he wants to know why. Mrs. Emminger said the City is concerned that the proposed design may prevent a future connection with Church Hill Rd. and has suggested a possible elbow or hammerhead. She said the design is ongoing and they are still waiting for Highway and Health Dept. comments.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Deeb made motion to continue the public hearing. Mr. Keller seconded the motion and it was passed unanimously.

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8:00 PM – NDT Development Group LLC – Application for (2) two-lot subdivision (3.01± acres) in the RA-40 Zone – “Clapboard Ridge Estates” – Clapboard Ridge Rd. (#G09117) – Subdivision Code #06-07.

Chairman Finaldi read the legal notice. Attorney Neil Marcus spoke in favor of this. Matthew Scully, PE from CCA also spoke. He said this is a two-lot subdivision on vacant land and they are proposing a common driveway because this is a State highway and they thought one curb cut would be more favorable. There is City water available, but no City sewer. Mr. Scully briefly described the design of the on-site detention basin. There is a ridgeline in middle of property, but there are no wetlands on it. Mrs. Emminger said they have received most of the Departmental comments, including the well and septic approvals from the Health Dept. just this afternoon. Mr. Scully said they not addressed any of them yet, but most are things that can be dealt with. Mrs. Emminger asked if they are in the environmentally sensitive area and Mr. Scully said no. Mrs. Emminger asked about the rear of the parcel and Mr. Scully said it is not developable because there is no way to get a septic in. Mr. Keller then said regarding the mandatory required sidewalks, they are mandatory but will go nowhere since the properties

on either side are already developed. Mrs. Emminger mentioned that the same issue came up during the review of Damia Subdivision, which is also on this road.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Blaszkowski made a motion to continue the public hearing. Mr. Keller seconded the motion and it was passed unanimously.

Chairman Finaldi then reminded the Commission members to wait to be recognized before speaking, because while listening to the tapes of the meeting, it is extremely difficult at times to identify who is speaking. He said he was especially made aware of this as he recently listened to the tapes of a meeting.

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CONTINUATION OF PUBLIC HEARINGS:

Blue Ribbon Development LLC – Application for (3) three-lot subdivision (1.17 acres) in the RA-8 Zone – “Jay 3 Subdivision” – 20 Deer Hill Ave. (#I16106) – Subdivision Code #05-08. Public hearing opened April 5, 2006 – first 35 days were up 5/10/06, 35 day extension granted to 6/14/06.

Chairman Finaldi excused himself as he is abstaining from this matter. Mr. Keller took over and asked Mr. Urice to take Mr. Finaldi's place. Mr. Keller asked if there was anything new in the file and Mrs. Emminger said they had received an extension letter to continue the public hearing for an additional 35 days.

Attorney Neil Marcus said they concur with Staff that they haven't heard anything new since the last meeting. He said they are providing more sightlines than what is required, referring to the previous application's concern for the sight lines. He said they had proposed the traffic calming measures of speed humps but the City doesn't want them. Since that time the City has installed three way stop signs and that addresses the concerns regarding the sight distances. He said there is a significant change since the previous application. To the south, there is no issue with sight lines. To the north, he encouraged the Commission to consider the speed humps, despite the Fire Dept not being in favor of them. He said they would benefit the other property owners farther north on Deer Hill Ave. Mr. Blaszkowski said he had thought one question had to do with the crest of the hill when traveling south. Attorney Marcus said he tested that also and found that you have to slow down as you approach the stop sign but if there is concern they should put a slight speed hump in there. Mrs. Emminger pointed out that every Dept. in the City objected to these speed humps. Attorney Marcus said they could not get information from the Fire Dept regarding how many trucks travel this route, but the only reason he proposed this is for the neighbors. Mr. Urice said the City is experimenting with one speed hump, so he would not be comfortable with approving this proposal that way. Attorney Marcus then submitted a letter from a fire apparatus manufacturer saying that the speed hump will not cause the fire trucks to have to slow down. He added that there probably are no Highway Depts. anywhere that would approve of speed humps. He reiterated that there are very few reported accidents in this area and the sight distance is almost three times the requirement. In closing, he reminded them that since the City installed the three-way stop signs that really addresses most concerns about the safety of this intersection. Mrs. Emminger then clarified that

the Fire Marshal's concern was not about the speed humps affecting response time. It was strictly that the humps would be detrimental to the emergency vehicles and fire trucks.

Mr. Keller asked if there was anyone to speak in opposition to this application and there was no one.

Mr. Urice asked Mr. Scully about a change to the plan and Mr. Scully said they had flip-flopped one of the houses and the driveway locations which resulted in them needing to propose a retaining wall. Mrs. Emminger asked the size of the retaining wall. Mr. Scully said they proposed a maximum height of three ft. Mrs. Emminger said they need add a note to the plan as any retaining wall over three feet has to submit engineered plans which must be included as part of the site plan approval. There were no other questions. Mr. Urice made a motion to close the public hearing Mr. Manuel seconded the motion and it was passed unanimously by voice vote.

Chairman Finaldi returned and Mr. Keller made a motion to take a two-minute recess at 8:45 PM. Mr. Blaszkowski seconded the motion. Chairman Finaldi called the meeting back to order at 8:50 PM.

Michael B. Kelly & Kelly McCuin-Kelly – Application for (2) two-lot Re-subdivision (1.194 acres) in the RA-20 Zone – “Kelly Subdivision”– 104 Great Plain Rd. (#J08111) – Subdivision Code #06-01. Public hearing opened 5/3/06 – 35 days will be up 6/7/06.

Dainius Virbickas, PE said they had gotten positive comments back from the other Depts. and this afternoon the Health Dept. had asked them to install a water lateral, so the only other thing would be to provide hydrant test results. There were no questions from the Commission. Mr. Manuel excused himself as he was not present at either of the May meetings. Chairman Finaldi asked Mr. Urice to take Mr. Manuel's place for this matter. Mrs. Emminger said they had received the Engineering Dept. comments today suggesting concrete sidewalks and curbing, but the Subdivision Regulations require bituminous so the Commission cannot require concrete. She said they can ask very nicely that they provide concrete, but cannot require it although Engineering and Highway always recommend concrete. Mr. Virbickas said everywhere in the City is bituminous curbing.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to close the public hearing. Mr. Deeb seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item 3 under the Old Business on tonight's agenda. Mr. Keller seconded the motion and it was passed unanimously.

Eduardo Batista – Application for Special Exception to allow use (“Dunkin Donuts”) generating in excess of 500 vehicle trips per day – Osborne St. (#J12221) – SE #644. Public hearing opened 5/17/06 – 35 days will be up 6/21/06.

Attorney Neil Marcus spoke in favor of this application. He said they had received the report from the City Traffic Engineer, so their Traffic Engineer would address that and Dainius Virbickas; the Engineer for this project would address the other issues.

Dainius Virbickas said they had received comments from all City Depts. except Police. He said they have made modifications to the plans and will be submitting them shortly. He said they currently are conducting a noise study at this site and other Dunkin Donuts shops to check the noise levels at the drive-thru. Preliminary studies indicate that the existing on-site noise level at this site exceeds the current level at the other Dunkin Donuts. He said they would provide a plan showing how they will shield the lighting to keep it from the adjacent properties. They are in process of hiring a firm to do an environmental study and they also have a truck loading plan to submit which will address vehicle delivery questions. Regarding the concern for pedestrian traffic; there were school children noted cutting through the drive-thru at the South St. store. He pointed out that the Hayestown Ave. store is located directly across the street from HATS (Henry Abbott Tech) and Hayestown Elementary School with no incidents. Mr. Virbickas said as a final note, he had failed to indicate that they did do their noise analysis during the 7-9 AM peak. He said they would submit the additional plans and documents now that they have all the Departmental comments back. Chairman Finaldi asked Attorney Marcus if he would be granting them an extension to continue the hearing. Mrs. Emminger said they have received a 35-day extension from the applicant. Mr. Blaszk asked if any of the plans actually have the sight lines called out. Mr. Virbickas said it is 125 ft. to the intersection and 500 ft. or so in the easterly direction. Mr. Blaszk asked about the Osborne St sight lines saying he does not feel there is 460 ft. + (in both directions) as suggested in the applicant's traffic study. Attorney Marcus said their Traffic Engineer would address that once Mr. Virbickas is done. Mr. Keller asked the distance to the closest residential property. Mr. Virbickas said it is 20 ft to nearest point to the north, from that property line to the proposed drive-thru is 32 ft. and they are proposing a 6 ft tall stockade fence as the buffer between the commercial and residential properties. Attorney Marcus said the first morning delivery is 5AM and the second is at 8:30-9:00 AM. This is daily and a 14 ft. truck makes both deliveries. He then said Mr. Virbickas would be submitting a truck turning plan. Since there were no more questions at this time, he asked their Traffic Engineer to speak.

Alan Mess, Barkan & Mess, said he would address the three items that were brought up at the previous meeting. The first item is the potential for side streets to be used. He said they did some trial runs to see if there was any benefit and they found that the more obscure routes do not provide any relief to the traffic. He then said since everyone will not be going to the same place at the same time so the traffic itself will balance out. Second, regarding the suggested signalization of the Springside Ave. intersection, it just does not have significant traffic volume to warrant a signal. He said it would be beneficial to this development to have a signal, but that is an expensive proposal. Mr. Urice questioned what is considered significant volume. Mr. Mess said the high volumes only occur during the peak periods. He said someone had suggested that a traffic signal would help the Fire Station get out in emergencies, but if that were the case then a better location for the signal would be in front of the Fire Station. He said he had noticed that none of the other Fire Stations have signals so he doubts the City would go for this idea. The third item is regarding the visibility issue. He said they are proposing to widen Springside Ave. and put sidewalks on both streets. And once the construction starts, they will be removing some of vegetation, which will definitely open up visibility. Mr. Blaszk asked if they could put the Osborne St. sight lines on the map, saying he is specifically concerned with the corner by the firehouse. Chairman Finaldi said the major issue is to not create a bottleneck on Osborne St for traffic that is traveling southbound; it is essential that traffic be

able to flow freely. School buses both paid and volunteer Fire vehicles, emergency/rescue vehicles and ambulances all travel this road as well as regular neighborhood traffic so it is absolutely essential that this road be widened so as not to create a bottleneck. Mr. Mess said they cannot widen it on the west side because of the slope and on the site side; land would have to be acquired because Springside Ave. is lower than Osborne St. He said the road is about 35 ft. wide now, but ideally a few more feet would be better. Chairman Finaldi said he feels this road widening is something that is absolutely essential. Mr. Keller said he concurs with the Chairman on the widening, but expressed concern about the topography since they are cutting big chunks out of the parcel for Danbury Hospital. Chairman Finaldi said he is quite familiar with the traffic patterns at Dunkin Donuts, since he has been a customer everyday at the White St. shop for at least 15 years. He said there are always too many cars and not enough parking spaces; contractors are often there with their larger vehicles, so access and egress to the parking lot is an essential issue. Mrs. Emminger then said the minutes from the previous meeting reflect that some additional information was to be provided to the Commission by the applicant, specifically more detailed accident count information.

Attorney Marcus said they would address the City Traffic Engineer's report. Regarding the traffic control signal, there is not really a need for a light if they can create a turning lane. He said the parking situation at the White St. shop exists because it is the original Dunkin Donuts in Danbury. That site does not meet their requirements, but it has been there for a long time.

Chairman Finaldi asked if there was anyone to speak in opposition, but before he called on anyone he asked that they confine their comments to this specific application and try to not repeat what they said at the previous hearing since it is recorded both on tape and in the minutes.

Francis Wolzak, 101 Westville Ave., said for 14 years she had the corner office in the Mayflower building, which is directly across the street from this site on the opposite corner. She said after all that time, she feels qualified to comment on how dangerous this intersection can become. She suggested that it would be interesting if the traffic studies were done during the snow season because it is very difficult to get out of Springside. She said she often saw and heard accidents there just with everyday traffic on a normal day. In closing, she said it is a dangerous idea to put the Dunkin Donuts on that site because of the traffic issues that already exist.

Mr. Keller then read a letter in opposition from Valerie M Boz, 8 Hitching Post La. and Mr. Blaszka read a letter in opposition from Patricia Tallman.

Brenda Bonacci, 17 Springside Ave., said she has lived there for over 20 years, and she bought her house because this is a family neighborhood. She does not want to have to worry about the clientele that frequents Dunkin Donuts. She said the traffic is going to be a big problem and in the winter weather, the roadway gets very bad. She said it just cannot take an additional 500 trips per day.

Floyd Banks, Glen Apartments, said he is against this because there already is more than enough traffic in this area. He described how the traffic backs up at the South St. Dunkin Donuts and said there already is enough traffic here, so we don't need to add 500 extra cars per day.

Mark Pierce, 7 Springside Ave., asked about the studies that the Planning Staff had requested since nothing was submitted. He said the box truck they use for deliveries is a noisy vehicle; he knows that because he works on them. He asked why their access is not from Osborne St. Mrs. Emminger said our Regulations require the access for this lot to be from Springside. Mr. Blaszk asked if that is because this is a collector street. Attorney Marcus said the access must be from Springside because this is a corner lot. Mr. Blaszk asked if there are time restrictions regarding the running of commercial vehicles on properties that are adjacent to residential uses. Mrs. Emminger said she would get an answer for next meeting. Mr. Pierce then said in the morning, when he stops to get coffee, he usually parks on the street and leaves his truck's engine running. He said this is a common practice with many people, but this site cannot handle vehicles parked all over the street because it abuts a residential neighborhood.

Carla Pierce, 7 Springside Ave., said the subject property may be zoned CG-20 but the Springside Ave. neighborhood is residential. There are 25 single-family homes on this street and a Dunkin Donuts would be an intrusion into this neighborhood. In closing, she said she does not wish to live across the street from Dunkin Donuts.

Ruth Pierce, 192 Osborne St., said she is concerned about water drains behind her house. Her concern is because her neighbor got flooded and she does not want it to happen to her. She said this is a dangerous site and much too busy a street to add a Dunkin Donuts.

Carla Pierce then said it is not a safe situation crossing the street at the bottom of the hill and a Dunkin Donuts will only make it much worse. She said the cars drive very fast and half the time, they do not stop.

Lila Shaker said she is the neighbor who owns the abutting parcel. She did her own traffic study for about an hour this morning and found that 850 passenger cars passed her home in this hour and only about 25 of the vehicles were school buses and trucks. She said most of her neighbors have already said what she had planned to say so she won't repeat it. She said with all of the development that has gone on, she now has water problems.

Margaret Mitchell, 2 Park Place, said she likes Mr. Batista but always speaks against drive-thru windows because they are hazardous to the health of the residential neighborhoods. She expressed concern about the proposed on-site detention system because in her neighborhood, since they did that all of that work, she always has water in places where she does not want it. She expressed concern that this is next door to the Fire Station and then said that the possibility of filling in any area always concerns her. She said of course a wider street in front of the Fire Station would of course benefit the City. She explained that she lives next door to the Walgreen's on Main St., where a wall that is taller than she is and also a hedge of evergreen trees separate her from them. She said she had hoped all of this screening would deflect the noise from the microphones but it does not. She can lie in her bed and hear all the personal information about the people picking up their prescriptions. At first, they were only open until 9 PM, but now they are open 24 hrs. a day and people sit in the driveway at 3 AM honking their horn. In closing she said she is sorry to oppose Mr. Batista, but this kind of restaurant does not work in a residential neighborhood.

Rachel Poland, South King St., said she was raised in the house that Carla Pierce lives in now. She said she has nothing against Dunkin Donuts, but resents the continued comparisons to the Hayestown Ave. and South St. shops because they are nothing alike. They are both located in

almost entirely commercial neighborhoods and could be dangerous for kids in this neighborhood.

Attorney Marcus said he would reserve the rebuttal comments until the next meeting. Mr. Manuel asked what the grade is on Springside Ave. and Mr. Virbickas said roughly 18%. Chairman Finaldi then recommended that the Commission members drive this area before the next meeting. Attorney Marcus said they would provide the finished grade at the next meeting. Chairman Finaldi reminded everyone that there is no meeting on June 21, 2006, so the next meeting will be held on July 5, 2006.

Mr. Keller made a motion to continue the public hearing. Mr. Blaszkowski seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

City of Danbury – Application for (2) two-lot subdivision (243.14 acres) in the IL-40 Zone – “West Side Fire Station – Engine 26” ~ Kenosia Ave. Ext. (#G18001) – Subdivision Code #06-06. There will be no public hearing on this matter- first 65 days will be up 6/23/06.

Chairman Finaldi noted that the above application has been withdrawn.

First Nine Corporation – Application for five (5) lot subdivision (2.767 acres) in the RA-20 Zone and Request for Waiver to Portions of Chap. 4, Secs. B.11. & B.12. of the Subdivision Regulations – “Butler Ridge” – 36 Golden Hill Rd. & Ford Lane (#H11055 & #H11276) – Subdivision Code #05-11. *Public hearing closed 5/3/06 – 65 days will be up 7/7/06.*

Mr. Manuel excused himself as he was not present at the May meetings. Chairman Finaldi asked Mr. Urice to take Mr. Manuel's place for this matter. Chairman Finaldi then said they had received a draft resolution. Mrs. Emminger said they have to approve the waiver first, and then the subdivision, both based on the resolution. She said the Engineering Dept. is still recommending this not be approved with one driveway, but she addressed that in the resolution. Mr. Manuel said he thinks this should have a road. Mrs. Emminger said a City road was never really an option because they can comply by providing separate driveways. She reminded the Commission that the applicant's agents presented all of the options to them and they chose this option. She said the Engineering Dept. always automatically wants roads, but the applicant can comply with the Subdivision Regulations by providing separate driveways. She said the idea behind the one driveway was to eliminate separate curb cuts in this already congested area. She said the purpose of the waiver is to allow the one lot to have access from this same driveway as opposed to access from Ford La. Mr. Urice made a motion to approve the Request for a Waiver to the Subdivision Regulations per the resolution. Mr. Keller seconded the motion and it was passed unanimously by voice vote. Mr. Urice then made motion to approve the subdivision per the resolution. Mr. Blaszkowski seconded the motion and it was passed unanimously by voice vote.

Michael B. Kelly & Kelly McCuin-Kelly – Application for (2) two-lot Re-subdivision (1.194 acres) in the RA-20 Zone – “Kelly Subdivision”– 104 Great Plain Rd. (#J08111) – Subdivision Code #06-01.

Mr. Keller made a motion to give this a positive recommendation for the following reasons:

Mrs. Emminger explained that we had waited because the Highway Dept. wanted the applicants to post a \$1,000.00 cash bond for the remaining work, which was done the other day. So we now have the final signoff from Highway and Engineering to release this bond. Mr. Blaszkowski made a motion to release the bond. Mr. Keller seconded the motion and it was passed unanimously by voice vote.

The Communications consisted of two Cease & Desist Orders and one EIC Notice of Violation and under For Reference Only, there were listed three Requests for Floodplain Permits and one public hearing scheduled for July 5, 2006.

At 10:45 PM, Mr. Keller made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.